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REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

The drawings are objected to as not showing every feature specified in the claims. The claims are amended to overcome the raised drawing objection, to cancel the flap valve feature, thereby obviating the need to amend the drawings to show such feature.

Claims 20-38 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The subject matter of the rejected claims is accordingly revised and rewritten as new claims 39-56, respectively. The newly entered claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 20-23, 28, 31 and 33 are rejected, under 35 U.S.C. § 102(b), as anticipated by or, in the alternative, rejected, under 35 U.S.C. § 103(a), as obvious over Huang '137. The Applicant acknowledges and respectfully traverses the raised anticipatory and obviousness rejections in view of the following remarks.

Huang '137 relates to a faucet with a crystal temperature indicator in order to avoid being scalded and wasting water and energy; the faucet has water hole 111 which receives a thermometer 42 and is closed by the strut 32. When the strut and the thermometer is placed in the watering hole and the strut 32 closes the hole, the thermometer is brought in direct contact within the watering hole so that the thermometer can detect the relative water temperature which is then show in the temperature window. The thermometer 42 extends through the strut hol 321 in the middl cover 3. There is no way to replace the thermometer

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without shutting the water off at an upstream source. If the thermometer is pulled from the strut hole, water is free to flow through the watering hole 111 and the strut hole 321. This arrangement is quite different and contrary to the presently claimed invention in which the probe, the measurement detector or the detection apparatus extends up and abuts against an upper surface of the closing device such that when replacement or removal of the the probe, the measurement detector or the detection apparatus is desired or necessary, the seal between the closing device and the valve seat does not need to be broken. That is, when removing the probe, the measurement detector or the detection apparatus, the liquid contents within the container can still remain inside the container and do not have to be drained through the valve/closing device prior to replacement of the same.

In order to further differentiate the presently claimed invention from the applied reference of Huang '137, new independent claim 39 recites the limitations of "A closing device . . . comprises a housing which houses one of a probe, a measurement detector (27) and a detection apparatus, and the housing prevents the one of the probe, the measurement detector (27) and the detection apparatus from directly contacting contents of the container; wherein. . . wherein the closing device (16) has an opening (38) formed in a lateral wall of the closing device, the opening (38) provides access to the interior of the housing (30) and allows one of the probe, the measurement detector (27) and the detection apparatus to be inserted into or removed from the interior of the housing without removal of either the valve or the closing device from the container and without altering the valve seal, and the opening (38) is accessible when the closing device (16) is in an operating position inside the valve". The claims dependent upon claim 39 recite other limitations which further distinguish the presently claimed invention from the applied art of Huang '137.

New independent claim 57 recites, in addition to the above noted limitations of claim 39, the additional limitations of "the closing device (16) comprises a shaft (17) which supports an enlarged blocking head (18) that accommodates a measurement end of the one of the probe,

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the measurement detector (27) and the detection apparatus" while Independent claim 58 recites, in addition to the above noted limitations of claim 39 and 57, the additional limitations of "a portion of the a shaft (17), which supports an enlarged blocking head (18), is located within an evacuation orifice (20) which facilitate drainage of the contents from the container and an activator (23) is provided along a longitudinal axis defined by the shaft (17) for displacing the closing device (16) from the open position to the closed position and from the closed position to the open position". Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

The dependent claims recite additional limitations further distinguishing the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the applied art of Huang '137, or possibly the Anderson '262 or Brekke '581 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on: January 8, 2004



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